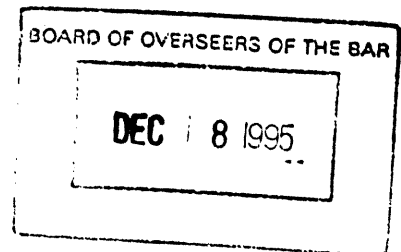


STATE OF MAINE



SUPREME JUDICIAL COURT

Docket Nos. Bar-90-13  
Bar-91-33  
Bar-93-9

BOARD OF OVERSEERS OF THE BAR )  
 )  
 v. )  
 )  
 THOMAS F. MALONE, JR. )

ORDER OF DISBARMENT

This matter is before the Court on the motion of the Board of Overseers of the Bar for contempt and disbarment. On the last business day prior to a scheduled hearing, the defendant advised the Board via fax from Raleigh, North Carolina, that he would not attend the hearing and stated his "consent to any order [the Court] chooses to enter." Thereafter, at the request of Bar Counsel, the Court has delayed a final judgment pending a final report from John W. Sawyer.


The Court incorporates herein its opinion and order dated November 20, 1990; its order of suspension pursuant to M. Bar R. 7.2(b)(5) dated May 21, 1992; its order of suspension pursuant to M. Bar R. 7.3(e)(3) dated May 25, 1993; its order on motion for contempt dated December 3, 1993; its order appointing John W. Sawyer to prepare an inventory of defendant's files and take appropriate action pursuant to M. Bar R. 7.3(f) dated March 1, 1994; and its order dated March 25, 1994, directing defendant to file an affidavit concerning compliance with the order of

December 3, 1993. In sum, these proceedings demonstrate the failure of the Board's and the Court's efforts to provide the defendant an opportunity to correct misconduct and to demonstrate an ability to "discharge properly [his] professional duties." M. Bar R. 2(a). Indeed, the defendant by his ineffective attempt to resign and by correspondence with the Court has conceded his inability to comply with acceptable standards of professional conduct. Accordingly, it is ORDERED that Thomas F. Malone, Jr., be and he is hereby disbarred from the practice of law in the State of Maine.

The Court has received and reviewed the report of John W. Sawyer of the firm of Sawyer, Sawyer & Minott, P.A., dated October 18, 1995, concerning his inventory of the defendant's files. A printed list and a diskette containing the list of more than 2,500 files has been filed with the Court and will be impounded. Accordingly, the Court accepts the report and approves of the firm's proposal concerning retention of the files.

In view of the defendant's financial condition, the Court will enter no order concerning costs.

Dated: December 15, 1995

  
\_\_\_\_\_  
David G. Roberts  
Associate Justice

DEC 15 1995

SUPREME JUDICIAL COURT